

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**GARY and JUDY WHITE,** )

**PETITIONERS,** )

**VS.** ) **2:05-H-2470-JHH**

**MARK HARVEY, d/b/a** )

**BUILT-RITE CONSTRUCTION,** )

**RESPONDENTS.**

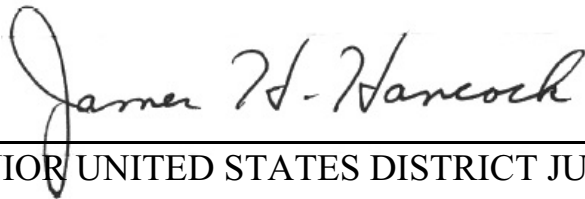
**MEMORANDUM OF DECISION**

In its December 8, 2005 order (Doc. No. 3), the court advised petitioners that their December 1, 2005 petition to confirm arbitration award (Doc. No. 1) totally failed to satisfy the pleading requirements necessary to invoke this court's jurisdiction and that this court would dismiss the petition unless an amended petition was filed by December 30, 2005 properly invoking this court's jurisdiction. The court has before it the amended petition of petitioners (Doc. No. 4) and they fare no better thereunder. Section 9 of Title 9 of the U. S. Code does not provide a jurisdictional basis, and there is nothing in the amended petition suggesting any other federal question jurisdiction under 28 U.S.C. § 1331. The amended petition does, however, contain allegations seeking to invoke diversity jurisdiction under 28 U.S.C. § 1332, but the amended petition expressly reflects

that petitioners are citizens of Alabama and that Built-Rite Construction is a corporation organized under the laws of Alabama with its principal place of business in Alabama. Therefore, diversity jurisdiction does not exist.<sup>1</sup>

A separate order dismissing this action without prejudice for lack of jurisdiction will be entered.

**DONE** this the 11th day of January, 2006.

A handwritten signature in black ink, reading "James H. Hancock". The signature is written in a cursive style with a large initial "J".

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SENIOR UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The court also notes that the amended petition alleges that the amount in controversy "exceeds \$50,000 (whatever the jurisdictional amount)." The court also notes the absence of any allegation regarding the citizenship of respondent Mark Harvey.